



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,502	08/20/2001	Edward W. Catton	7175-68263	5909

7590

06/27/2003

Ronald S. Henderson
Barnes & Thornburg
11 South Meridian Street
Indianapolis, IN 46204

EXAMINER

CROSLAND, DONNIE L

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 06/27/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/933,502

Applicant(s)

CATTON ET AL.

Examiner

DONNIE L. CROSLAND

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-140 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-140 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-139 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spriggs et al in view of Dickerson, Jr. et al.

Spriggs shows an industrial plant management alarm system having a network of computer devices, the alarm system comprising a network of controllers 10 (any one of which may be the master alarm controller or the area alarm controller, see figure 2 which shows the system 10 based on a client/server network architecture including at least one server, see col. 3, lines 1-38, col. 5, lines 56-65, cols. 6, 8, and 10.

Spriggs fails to suggest the use of his alarm system in a medical plant (healthcare facility) as well as monitoring a specific parameter such as gas.

It is noted that Spriggs system is directed towards monitoring various acquisition devices 60 (asset management instruments) for an associated alarm parameter such as pressure, temperature, and providing such alarm information on the network for access and viewing by authorized users.

It is submitted that a medical plant such as a healthcare facility would fall within the meaning of Spriggs industrial plant. Accordingly, the skilled artisan recognizes that a medical plant would be included as an industrial plant in Spriggs.

Also, Spriggs is not limited to the specified parameters and suggests that other parameters are within the capabilities of the artisan, col. 8, lines 25-35, and 70 in figure 3.

Accordingly, the skilled artisan would find the monitoring of another parameter such as gas in Spriggs' alarm system to be a matter of choice as would be included in the other parameters of Spriggs.

Further, Dickerson shows an alarm system that includes gas monitoring (pressure variations) in a medical facility and provides the monitored gas data over a network of computers, see page 1, col. 1, paragraph 3, page 10, col. 2, paragraph 124.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to monitor gas in a medical facility of an alarm system of Spriggs' because the suggestion of monitoring gas in a medical facility of an alarm system is taught by Dickerson.

Patentable invention is not involved in using the alarm system of Sprig in a specific industrial plant such as a medical facility for monitoring gas.

With respect to claims 2 and 3, note LAN and WAN, col. 3, lines 32-37, and hubs in col. 7, lines 35-40 of Spriggs.

With respect to claims 4 and 5, note server in col. 7, lines 26-40.

With respect to claim 6, note hubs in col. 7, lines 35-37.

With respect to claim 7, the monitoring of pressure is realized in Spriggs, 70 in figure 3, plural display modules in figure 2, col. 7, and lines 30-35.

With respect to claims 8-10, the first and second electric circuits read on the respective microprocessors of the network computers of Spriggs.

With respect to claim 11, the generation of audible alarms within the network would not involve patentable invention since Spriggs provides for the interconnection of LAN to WAN, see col. 7, lines 34-44. Alarm is first on LAN and thereafter on WAN.

Art Unit: 2632

Claims 12 -15 only involves a form of network communication as provided in Spriggs. The skilled artisan recognizes that alarm data whether audible or visual are network communicated.

With respect to claim 16, note col. 6, lines 32-42.

With respect to claim 17, distinct transducers for distinct measurements would have been obvious and would not involve patentable invention.

With respect to claim 18, see col. 10, lines 12-67.

With respect to claim 19, see Spriggs' configuration module, col. 3, and lines 1-15.

With respect to claim 20, the disclosed "network" allows all computers on the network to activate an alarm.

With respect to claims 21 and 22, such reads on user defined actions with respect to alarm events, col. 11, and lines 13-25.

With respect to claims 23-26, such is obvious over the alarm display screen that displays alarm information in various formats.

With respect to claim 27, gas monitoring is suggested in Dickerson.

With respect to claims 28-32, Spriggs employs Internet software, Windows Explorer and allows all advantages associated with the web including web pages.

At this point in the office action, the remaining independent claims 75, 100, 112, 120, 123, 124, 130, and 137 are obvious over the combination of Spriggs and Dickerson as set forth above.

Notification email is shown as 308 in figure 3 of Spriggs.

The remaining dependent all recite obvious subject matter with respect to the conventional web browser on net communication, see display screens in figures 8-14.

The interface user inputs programmable data in the computer for configuration purposes. Sensor configuration, password identity, self diagnostic test, logging data to create a history log, the use of LEDs for identifying alarm conditions, are all standard and conventional computer networking technology and such would not involve patentable invention.

Conclusion

In conclusion it is submitted that the applicants have done no more than choose a particular alarm parameter such as gas to monitor and network the results through the Internet or network.

The prior art to Spriggs and Dickerson would fairly suggest to the skilled artisan to network a specific alarm parameter such as gas.

In employing the network, Spriggs and Dickerson are entitle to all the advantages associated with the network including programming (configuring), web page construction, notification of all network computers, event logging, etc.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2632


Joao is cited as showing a gas monitoring in a commercial office and/or premises equipment system and provides a network for communicating among plural computers, see col. 14, lines 25-41. The commercial office would include a facility such as healthcare or medical.


Starkey et al show gas monitoring system in a facility and include a conventional network technology, col. 1, lines 15-32.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DONNIE L. CROSLAND whose telephone number is (703) 305-4388. The examiner can normally be reached on Mon-Fri, 9:30a-6:00p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (703) 308-6730. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-9051 for regular communications and (703) 308-9052 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


DONNIE L. CROSLAND
Primary Examiner
Art Unit 2632

Dlc 
June 23, 2003